

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI (ST. LOUIS)**

IN RE:

Ivy Ree Bondon

Debtor,

Hon. Judge Kathy A. Surratt-States

No. 20-45742

Chapter 13

Hearing Date: 11/15/2021

Hearing Time: 10:00AM

**Hearing Location: Thomas F. Eagleton Courthouse
111 South Tenth Street
Floor 7, North Courtroom
St. Louis, Missouri 63102**

Objection Deadline: 11/8/2021

NOTICE OF HEARING AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY

**BY HSBC BANK USA, NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR PEOPLE'S
CHOICE HOME LOAN SECURITIES TRUST SERIES 2005-3**

WARNING: THIS MOTION FOR RELIEF FROM THE AUTOMATIC STAY SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY 11/8/2021. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

NOW COMES HSBC Bank USA, National Association, as Indenture Trustee for People's Choice Home Loan Securities Trust Series 2005-3 (hereinafter "Creditor"), by and through its attorneys, Codilis, Moody & Circelli, P.C. and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Creditor relief from the automatic stay and in support thereof respectfully represents as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and venue is fixed in this Court pursuant to 28 U.S.C. §1409;

2. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on 12/17/2020;

3. Creditor is a secured Deed of Trust holder or servicer on the property commonly known as 846 Fontaine Place, Saint Louis, MO 63137 by virtue of a properly perfected Deed of Trust recorded on 5/17/2005 as 2005051700885 of the St. Louis County Missouri records;

4. As of 10/08/2021 the approximate payoff amount is currently \$103,129.70:

Unpaid Principal Balance	\$47,380.63
Accrued Interest	\$570.96
Escrow Advance	\$2,023.79
Deferred Balance	\$52,684.73
Suspense Balance - Trustee	(\$32.21)
Suspense Balance – Debtor	(\$250.80)
Late Charges	\$7.60
Recoverable Balance	\$745.00

5. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code;

6. The Debtor's Chapter 13 plan herein provides for the cure of pre-petition arrearage by trustee disbursements, with post-petition payments being made directly to Creditor;

7. Creditor is entitled to relief from the automatic stay under 11 U.S.C. §362(d) for the following reasons:

- a) As of 10/08/2021, the Debtor is past due for the 4/1/2021 post-petition payment and all amounts coming due since that date;
- b) As of 10/08/2021, the total post-petition default through and including 10/1/2021, is \$2,591.27, which includes a suspense credit in the amount of \$250.80. The default consists of 7 post-petition payments in the amount of \$406.01 each. The post-petition payment history is attached to this motion as Exhibit A;
- c) In addition, monthly payment obligations will continue to accrue under the terms of the Note;

8. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. Section 362(d) (1);

9. PHH Mortgage Corporation services the underlying mortgage loan and note for the property referenced in this Motion for Relief for HSBC Bank USA, National Association, as Indenture Trustee for People's Choice Home Loan Securities Trust Series 2005-3 (the noteholder) and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if the debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of HSBC Bank USA, National Association, as Indenture Trustee for People's Choice Home Loan Securities Trust Series 2005-3 (the noteholder). HSBC Bank USA, National Association, as Indenture Trustee for People's Choice Home Loan Securities Trust Series 2005-3 (the noteholder) has the right to foreclose because: Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

10. Movant has incurred recoverable attorney fees and/or costs in connection with this bankruptcy proceeding in the amount allowed by the Bankruptcy Court and Chapter 13 Trustee of the Eastern District of Missouri:

\$700.00	for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$188.00	for Court filing fee

11. The Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Creditor requests this Court so order;

WHEREFORE HSBC Bank USA, National Association, as Indenture Trustee for People's Choice Home Loan Securities Trust Series 2005-3 prays this Court enter an Order pursuant to 11 U.S.C. §362(d) modifying the automatic stay as to the property securing its interest, waiving the fourteen (14) day stay pursuant to Rule 4001(a)(3), approving its post-petition fees and costs incurred, and for such other and further relief as this Court may deem just and proper.

Dated October 22, 2021

Respectfully Submitted,

Codilis, Moody & Circelli, P.C.

BY: /S/ MARYANN BLACK

Joseph J. Circelli #58421MO
Rachael A. Stokas #61282MO
Matthew M. Moses #62330MO
MaryAnn Black #59899MO
Tara L. Jensen #47144MO
Joe.Circelli@mo.cslegal.com
Rachael.Stokas@il.cslegal.com
Matt.Moses@il.cslegal.com
Maryann.Black@mo.cslegal.com
Tara.Jensen@mo.cslegal.com
Codilis, Moody & Circelli, P.C.
15W030 North Frontage Road, Suite 200
Burr Ridge, IL 60527
(630) 794-5200- Phone
(630)794-5277- Fax
File #26-20-01261

NOTE: This law firm is a debt collector.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI (ST. LOUIS)**

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Ivy Ree Bondon

Debtor,

Hon. Judge Kathy A. Surratt-States

No. 20-45742

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below as to the Trustee and Debtor's attorney via electronic notice on October 22, 2021 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on October 22, 2021.

Ivy Ree Bondon, Debtor(s), 846 Fontaine Place, St Louis, MO 63137

Timothy Patrick Powderly, Attorney for Debtors, 11965 St. Charles Rock Road, Suite 202, St. Louis, MO 63044 by electronic notice through ECF

Diana S. Daugherty, Chapter 13 Trustee, P. O. Box 430908, St. Louis, MO 63143 by electronic notice through ECF

U.S. Trustee, 111 S. 10th Street #6.353 St. Louis, MO 63102 by electronic notice through ECF

/s/ MaryAnn Black
Attorney for Creditor

Codilis, Moody & Circelli, P.C.
15W030 North Frontage Road, Suite 200
Burr Ridge, IL 60527
(630) 794-5200- Phone
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PHH Mortgage Services
1 Mortgage Way
Mt. Laurel NJ 08054

Tel:877-688-7116'
Fax:856-917-8003'

****IMPORTANT NOTICE****

Upon written request, PHH Mortgage Services will provide the following information regarding the subject loan:

- A copy of the payment history through the date the account was last less than 60 days past due.
- A copy of the note.
- If foreclosure has been commenced or a POC has been filed, copies of any assignments of mortgage or deed of trust required to demonstrate the right to foreclose on the borrower's note under applicable state laws.
- The name of the investor that holds the loan.

Requests for this information/documentation can be sent to us at the following address:

PHH Mortgage Services
Mailstop SBRP
PO Box 5469
Mt. Laurel, NJ 08054

This notice is being provided for informational and compliance purposes only. It is not an attempt to collect a debt.